

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEREMY D. SHIVERS,

Petitioner,

v.

CHERRY LINDAMOOD, WARDEN,

Respondent.

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No. 3:06-0558
Judge Trauger

ORDER

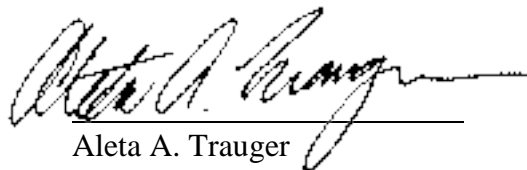
The court has before it a petition for a writ of *habeas corpus* filed by a *pro se* prisoner pursuant to 28 U.S.C. § 2254. (Docket Entry No. 1)

As provided in the Memorandum entered contemporaneously herewith, the petition and record of prior proceedings clearly show that the petitioner is not entitled to relief. Because the petition is without merit, it is DENIED. Rule 8(a), Rules – § 2254 Cases. The petitioner's petition for appointment of counsel (Docket Entry No. 14) is DENIED as moot.

Should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which, for reasons explained in the accompanying Memorandum will NOT issue. *See Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002); *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1073 (6th Cir. 1997).

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED.



Aleta A. Trauger
United States District Judge